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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

VANPORT INTERNATIONAL, INC.

Plaintiff and Counterclaim Defendant,

vs.

DFC WOOD PRODUCTS PTY LTD.,

Defendant and Counterclaim Plaintiff.

Case No. 3:22-cv-01041-HZ

**MOTION TO WITHDRAW AS
COUNSEL FOR DEFENDANT DFC
WOOD PRODUCTS PTY LTD.**

LOCAL RULE 7-1 CERTIFICATION

Counsel for Defendant DFC Wood Products Pty Ltd. (“DFC”) has conferred with counsel for Plaintiff Vanport International, Inc. (“Vanport”) and Vanport does not oppose this Motion.

MOTION

Pursuant to Local Rule 83-11(a), Elizabeth H. White, Janjeera S. Hail, and K&L Gates LLP (collectively, “K&L Gates”), counsel for Defendant and Counterclaim Plaintiff DFC, respectfully request that the Court enter an order granting them leave to withdraw as counsel and

discharging them from any further responsibility in this case. Pursuant to LR 83-11(a), this Motion is being served on DFC counsel for Vanport.

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to the Oregon Rules of Professional Conduct, Rule 1.16(b), “a lawyer may withdraw from representing a client if: . . . (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled” or “(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.” ORPC 1.16(b)(5) and (6).

K&L Gates makes this motion because it can no longer adequately represent DFC’s interests in this matter as required under the Oregon Rules of Professional Conduct or generally accepted standards of professionalism. Declaration of Elizabeth H. White (“White Decl.”) at ¶ 4. DFC has been only intermittently communicative with K&L Gates for several months, including as K&L Gates has sought to meet deadlines in this case, provide substantive discovery responses in accordance with the Federal Rules of Civil Procedure, and obtain direction and instruction from DFC. White Decl. ¶ 5. Most recently, DFC failed to communicate with regard to discovery responses and deadlines such that K&L Gates was unable to serve substantive discovery responses or certify a complete document production. White Decl. ¶ 6.

DFC has likewise failed to pay substantial outstanding invoices. White Decl. ¶ 7.

Following DFC’s prolonged failure to provide K&L Gates with direction regarding this case and DFC’s failure to pay outstanding invoices, K&L Gates notified DFC of its intention to withdraw from this matter on June 26, 2023, stating that it would not withdraw earlier than July 10, 2023. White Decl. ¶ 8. K&L Gates encouraged DFC to obtain substitute counsel. *Id.* Since that notification of June 26, 2023, K&L Gates has repeatedly attempted to communicate—by phone and email—with DFC about the case and K&L Gates’ position on this matter. K&L

Gates has not been able to engage substantively with DFC with regard to its intention to withdraw or to be replaced by substitute counsel. *Id.*¹

CONCLUSION

In light of the professional considerations outlined above, and pursuant to L.R. 83-11(a), K&L Gates respectfully requests an order permitting it to withdraw as counsel in this matter.

DATED: July 19, 2023.

Respectfully submitted,

K&L GATES LLP

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Attorneys for Defendant DFC Wood Products Pty Ltd.

¹ Should the Court wish, K&L Gates will provide additional detail to the Court on this matter *in camera*.

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2023, I served the forgoing document on all counsel and parties of record via the CM/ECF system and as follows:

David Compton
DFC Wood Products Pty Ltd
22-30 Chiverton Street
Upper Caboolture QLD 4510
Email: sales@dfcwoodproducts.com.au

By email and Express Post.

DATED: July 19, 2023.

By: *s/Elizabeth H. White*
Elizabeth H. White, OSB No. 204729